

## THE INSTITUTIONS FOR THE EXECUTION OF PENALTIES PENALTIES IN THE REPUBLIC OF UZBEKISTAN AND KAZAKHSTAN

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**Abstract:** *This article describes the types of penal institutions in Uzbekistan, the types of crimes committed in them, and the types of penal institutions in Kazakhstan and who is kept in them. Personal conclusions about the similarities or differences between the penal institutions of the Republic of Kazakhstan and the Republic of Uzbekistan are given.*

**Key words:** *Penitentiary institutions, colonies, educational colonies, pretrial detention centers and prisons, security institutions, security institutions*

Section IV, Chapter 9 of the Criminal Code of the Republic of Uzbekistan talks about institutions for the execution of punishment in the form of deprivation of liberty. In accordance with Article 45 of this Code, the execution of the punishment in the form of deprivation of liberty is carried out by the penal institutions. These include:

- Penal colonies, including colonies based on the right to treatment;
- Training colonies;
- Prisons;
- Specialized hospitals for prisoners.

Pre-trial detention centers serve as institutions for the execution of sentences for persons sentenced to deprivation of liberty and left to perform work related to economic service.

Penitentiary colonies are divided into address colonies, general, strict, special order colonies and are intended for the detention of adult convicts, as well as prisons are not intended for the detention of adult convicts. There are only educational colonies for minors in the Republic of Uzbekistan.

Address-colonies are divided into:

- address-colonies where persons sentenced to deprivation of liberty for crimes of low social risk, minor crimes committed due to carelessness, as well as intentional minor crimes are kept;
- destination colonies where convicts transferred from general, strict order colonies, as well as educational colonies are kept.

Colonies of general order are divided into:

- Colonies where men sentenced to imprisonment for the first time for committing a serious crime are kept;
- Colonies where men who have been sentenced to imprisonment for the first

time for committing a very serious crime;

- - colonies where women sentenced to imprisonment for committing a serious or extremely serious crime are kept,

Strict order colonies are divided into:

- colonies where men who have previously served a sentence of deprivation of liberty for an intentional crime and have been convicted again for an intentional crime are kept;

- Colonies where women who have previously served a sentence of imprisonment for an intentional crime and have been convicted again for committing a serious crime, as well as women who have been found to be extremely dangerous recidivists, are kept.

Special order colonies are designed to keep men who have been deprived of their freedom and are considered extremely dangerous recidivists, as well as prisoners who have been deprived of their freedom for life. Special order colonies also hold men whose life imprisonment has been commuted to imprisonment under the amnesty procedure.

Prisons are intended for the detention of persons sentenced to imprisonment in the form of imprisonment, as well as persons transferred from general and strict order colonies for serious violations of the order of serving the sentence.

Educational colonies are designed to keep convicts who have committed crimes before reaching adulthood.

Detention of prisoners in pre-trial detention or prison - persons sentenced to imprisonment for a term of up to eight years for the first time for a serious crime committed intentionally, and in special cases, with the written consent of the prisoner, to economic service according to the decision of the head of the institution may be left in the pretrial detention center or prison to perform related work. Convicts who are kept in pre-trial detention or in prison to perform work related to economic service will spend their sentences in common cells that cannot be locked, completely separated from other people. If inmates cannot be granted a long-term visit, they will be allowed two short-term visits instead of one long-term visit. Minors, foreign citizens and stateless persons, as well as convicts belonging to former employees of courts and law enforcement agencies are not allowed to perform work related to economic service.

Specialized hospitals for prisoners are designed to keep sick prisoners and provide them with qualified medical care.

Pursuant to Article 89 of the Criminal Code of the Republic of Kazakhstan, the institutions for the execution of punishment include the following.

- 1) minimum security institutions;
- 2) medium security institutions;
- 3) medium security institutions for the care of minors;
- 4) maximum security facilities;
- 5) emergency security institutions;

- 6) full security institutions;
- 7) mixed security institutions.

Mixed security institutions include:

- 1) Detention facilities for prisoners of various regimes;
- 2) Pre-trial isolators used to keep prisoners sentenced to imprisonment, deprivation of liberty or deprivation of liberty, left or sent to do economic work, or coming from one type of institution to another.

The following persons are serving prison sentences in minimum security institutions: The following persons are serving prison sentences in minimum security institutions:

- 1) To persons convicted of crimes committed as a result of carelessness; persons convicted of crimes not related to the use of violence provided for in Chapters 7, 8, 9, 12 and 13 of the Criminal Code of Uzbekistan;
- 2) persons convicted of the crimes stipulated in Chapter 15 of the Criminal Code of Kazakhstan, if they fully compensate for the damage caused by the crime; persons who were convicted for the first time for committing an intentional crime and were sentenced to imprisonment for up to two years;
- 3) Convicts transferred from medium and medium security institutions.

The following are serving prison terms in medium security institutions:

- 1) Persons who have been sentenced to imprisonment for a term of more than two years for committing intentional minor, moderate or serious crimes, who have not previously served imprisonment;
- 2) Women who have committed a very serious crime, as well as when crimes are repeated; fine, correctional work, involvement in public works, restriction of liberty, persons sentenced to imprisonment for committing the crimes provided for in parts 1-1, second and third of Article 366, replaced by deprivation of liberty.

Persons sentenced to imprisonment for crimes against the sexual integrity of minors shall not be sentenced to imprisonment in medium-security penitentiary institutions, with the exception of persons who committed crimes under minors;

- 3) Convicts transferred from other institutions in accordance with the court verdict;
- 4) Convicts transferred from medium-security institutions to feed minors.

The following are serving prison sentences in maximum security institutions:

- 1) In strict order institutions of the penal system: men who have been sentenced to imprisonment for the first time for committing extremely serious crimes; with the exception of persons sentenced to imprisonment for crimes against the sexual integrity of minors, persons who committed crimes under the age of 18, as well as men sentenced to life imprisonment or dangerous repetition of crimes; in the event that persons sentenced to imprisonment for an intentional crime, as well as persons convicted of the crimes provided for in Chapter 15 of the Criminal Code of Kazakhstan fully compensate for the damage caused by the crime; male repeat offenders; women - with dangerous repetition of crimes;

2) Convicts transferred from other institutions in accordance with the court verdict;

The following persons are serving prison sentences in emergency security institutions:

1) In case of dangerous repetition of crimes, as well as against persons sentenced to life imprisonment - in correctional colonies of special regime;

2) convicts whose death sentence was replaced by deprivation of liberty in connection with the amnesty procedure or the application of the law on the abolition of the death penalty;

3) Convicts transferred from other institutions in accordance with the court verdict;

The following persons are serving the sentence of deprivation of liberty in full security institutions:

1) Persons sentenced to imprisonment for more than five years for committing extremely serious crimes, as well as dangerous repetition of crimes, may be sentenced to a part of the sentence, but not more than five years.

2) Convicts transferred from other institutions in accordance with a court sentence; juveniles sentenced to deprivation of liberty, as well as convicts left in medium-order institutions for detention for minors up to the age of twenty-one, with an average sentence for supporting minors pass in security institutions, with the condition of staying in the institution for at least one year.

Conclusion: The penal institutions of the Republic of Kazakhstan are different from the penal institutions of Uzbekistan. Educational colonies for minors in Uzbekistan, juvenile convicts in Kazakhstan spend time in medium security institutions. The age of residence in places intended for minors is partially similar in both countries. For example: In Uzbekistan, convicts can be kept in the educational colony until the age of 21. The regimes in the institution are determined by the administration of the institution.

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